

Message Text

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ACTION AF-06

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 COME-00 EB-07 FRB-03 TRSE-00 XMB-02

OPIC-03 CIEP-01 LAB-04 SIL-01 OMB-01 /092 W

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R 311031Z DEC 75

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 3517

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

LIMITED OFFICIAL USE PRETORIA 5005

E.O.11652: N/A

TAGS: ELAB, SF, EINV

SUBJECT: "GUIDELINES" ON EMPLOYMENT PRACTICES OF BRITISH
FIRMS IN SOUTH AFRICA

REFERENCE: PRETORIA 4986

1. BRITISH EMBASSY HAS GIVEN US A COPY OF MESSAGE FROM LONDON REPORTING STATEMENT BY SECRETARY FOR TRADE (PETER SHORE) IN COMMONS DECEMBER 12.
 2. SHORE SAID HE WAS CIRCULATING A "NOTE OF GUIDANCE" IN CONNECTION WITH THE WHITE PAPER ON EMPLOYMENT PRACTICES IN SOUTH AFRICA. SHORE SAID MAIN CHANGE FROM WHITE PAPER IS THAT HMG WILL EXPECT DETAILED INFORMATION ONLY FROM BRITISH FIRMS HOLDING A MAJORITY INTEREST IN A SA FIRM. (WE HAVE REPORTED THIS SEPARATELY IN REFTEL BECAUSE OF LIGHT IT SHEDS ON ADMINISTRATION OF THE FOREIGN COURTS EVIDENCE ACT.) SHORE ALSO SAID HMG WOULD "ENCOURAGE" BRITISH FIRMS WITH A MINORITY HOLDING IN A SA FIRM TO
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"PUBLISH WHENEVER POSSIBLE SIMILAR INFORMATION ACQUIRED IN THE

COURSE OF THEIR RELATIONSHIP WITH THEIR SA AFFILIATE (OR PUBLISHED LOCALLY BY THE AFFILIATE) AS WELL AS MORE GENERAL INFORMATION ON MATTERS SUCH AS AFRICAN ADVANCEMENT, COLLECTIVE BARGAINING, FRINGE BENEFITS, ETC."

3. WE UNDERSTAND THAT HMG HAS NO POWER TO COMPEL EVEN FIRMS WITH MAJORITY HOLDING TO SUPPLY THIS INFORMATION. DISTINCTION BETWEEN FIRMS WITH MAJORITY AND MINORITY HOLDINGS SEEMS TO BE THAT HMG WILL "LOOK FOR" PUBLICATION OF THE INFORMATION BY THE FORMER AND ONLY "ENCOURAGE" THE LATTER TO PUBLISH WHAT THEY HAPPEN TO PICK UP IN THE COURSE OF THEIR DEALINGS WITH THEIR SA AFFILIATES.

4. SHORE ALSO SAID THAT HE HAD DECIDED THAT A FIRM APPLYING FOR AN ECGD GUARANTEE COVERING A "NEW OR FURTHER" INVESTMENT IN SOUTH AFRICA WILL HAVE TO "GIVE UNDERTAKINGS TO PROMOTE THE ADOPTION OF THE POLICY AND PRACTICES RECOMMENDED IN THE CODE OF PRACTICE."

5. FOR LONDON. WE WOULD APPRECIATE A COPY OF SHORE'S "NOTE OF GUIDANCE".

BOWDLER

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